SOUTH CAROLINA LAW ENFORCEMENT DIVISION

4400 BROAD RIVER ROAD
COLUMBIA, SOUTH CAROLINA 29210

8.12.1 IMPLIED CONSENT – BREATH ALCOHOL DEVICE

POLICY #: 8.12.1	DATE: 09/01/93	REVISION DATE: 08/19/03
TITLE: IMPLIED CONSENT - BREATH ALCOHOL DEVICE		PAGE 1 OF 3
RESPONSIBLE AUTHORITY: SPECIAL AGENT IN CHARGE OF THE FORENSIC SERVICES LABORATORY		
RELATED STANDARDS/STATUTES/REFERENCES: S. C. Code of Laws, Section 23-31-410 S. C. Code of Laws, Section 50-21-114 S. C. Code of Laws, Section 55-1-100 S. C. Code of Laws, Section 56-1-10 S. C. Code of Laws, Section 56-1-286 S. C. Code of Laws, Section 56-1-2130 S. C. Code of Laws, Section 56-5-2950 S. C. Code of Laws, Section 56-5-2953 S. C. Code of Regulations, Chapter 73, Article 1		

GENERAL PURPOSE: To set forth policies for the administration of implied consent breath alcohol tests.

POLICY: The Division will approve, certify, and inspect breath alcohol devices for the implied consent program.

SPECIFIC PROCEDURES:

A. APPROVAL

1. Alcohol, when mentioned in this document, refers to ethanol. The Division is statutorily responsible for approving breath alcohol devices, operators, and procedures by the authority of the implied consent laws and regulations of the State of South Carolina.

2. The BAC DataMaster (also known as the DataMaster) is the only evidential breath alcohol device approved by the Division. The current manufacturer is National Patent Analytical Systems, Inc. The DataMaster will remain approved even if the manufacturer changes. The DataMaster has been tested and approved by the National Highway Traffic Safety Administration.

3. The DataMaster is a breath alcohol device that performs an accurate chemical test to determine a subject's alcohol concentration (State vs. Squires, 426, SE 2nd 738, 1992). This instrument utilizes infrared spectroscopy to perform a chemical analysis of the breath. The chemistry of alcohol determines its infrared absorption characteristics. Chemicals, such as alcohol, absorb infrared light in specific amounts at specific wavelengths. The DataMaster uses two infrared wavelengths to distinguish ethanol from any other possible substances.

B. INITIAL INSPECTIONS

1. Each DataMaster will pass an initial inspection by a SLED certified breath test specialist before instrument certification. This inspection is in addition to any manufacturer inspection and does not need repeating as long as the instrument is certified.

2. The following listed procedures occur during an initial inspection:

   a. Visual inspection of EPROMs for correct software signature.

   b. Confirmation of passwords to ensure proper access.

   c. Identification of printed circuit boards.

   d. Activation of simulator compartment fan.

   e. Inspection of antenna insulation.

   f. Inspection of breath tube and rear panel connection.

   g. Examination of check valves.

   h. Inspection of inlet/outlet hoses in simulator compartment.

   i. Verification of simulator temperature.

   j. Confirmation of voltages on printed circuit boards.

   k. Confirmation of one and one-half liters volume requirement.

   l. Verification of date and time.

   m. Remote access of instrument using modem and phone line.

   n. Inspection of evidence ticket printout.

   o. Calibration using a 0.08% alcohol concentration standard.

   p. Linearity checks using at least three different alcohol concentrations.

C. CERTIFICATION

1. A SLED certified breath testing specialist will certify each DataMaster. To obtain certification, an instrument will pass a calibration (establishment of calibration factors), supervisor (a series of a minimum of five 0.08% alcohol concentration simulator tests), and diagnostic test (an internal diagnostic routine) at its site. If a testing site is a mobile van, the instrument remains certified regardless of the physical location of the van.

2. To pass the calibration and diagnostic test, no errors or failures may appear. To pass the supervisor test, the average simulator solution reading will be a 0.08% alcohol concentration (0.076% through 0.084%, inclusive), and the simulator solution temperature will be 34 degrees Celsius (C), 33.5 through 34.5, inclusive.

3. A certification sheet documenting the serial number, site location, date/time of certification, and identification of the SLED certified breath testing specialist will be completed. The certification sheet is also the record that the instrument passed the initial inspection. These sheets are maintained electronically for a minimum of five years.

4. A certification does not expire unless revoked by SLED. A new certification sheet will be issued for each new site except when the instrument is moved to SLED or manufacturer's service center for repair, inspection, or storage and later moved back to its original site. In this case, an inspection is issued when the instrument is returned to its original site.

5. The certification sheet denotes the site where the instrument is certified for operation. The instrument may not be moved from this general location without SLED performing another site inspection. Movement of the instrument within a limited area, such as different locations within a room, may be done by the local agency without another site inspection or instrument certification by SLED.

6. The certification does not have to be repeated if the instrument or its software are upgraded. SLED will approve upgrades to the instrument or software before installation. Upgrades will be phased in, unless an urgent need exists.

7. Notification of significant upgrades to the instrument, as determined by the manufacturer, will be sent to the National Highway Traffic Safety Administration for evaluation and possible testing.

BY ORDER OF:

CHIEF OF SLED